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EXAMINER

TRAN, HANH VAN

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL ROSENBAUER,
HELMUT JERG, BERND SCHESSL, and ERNST STICKEL

Appeal 2010-001354
Application 10/603,759
Technology Center 3600

Before JAMESON LEE, DANIEL S. SONG, and JOSIAH C. COCKS,
Administrative Patent Judges.

COCKS, *Administrative Patent Judge.*

DECISION ON APPEAL

A. STATEMENT OF THE CASE

The real party in interest, BSH Bosch und Siemens Hausgeraete GmbH (“Bosch”), appeals under 35 U.S.C. § 134(a) from a final rejection of claims 10-14 and 16-25¹. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

References Relied on by the Examiner

Jacobs	3,658,075	Apr. 25, 1972
Wrangberth	5,368,379	Nov. 29, 1994
Premoli et al. (“Premoli”)	EP 0 556 787	Aug. 25, 1993

The Rejections on Appeal

The Examiner rejected claims 10-13, 18, 20, 21, 23, and 25 under 35 U.S.C. § 102(b) as anticipated by Premoli.

The Examiner rejected claims 10, 11, 18, 20, and 22 under 35 U.S.C. § 102(b) as anticipated by Wrangberth.

The Examiner rejected claims 14, 16, 17, and 24 under 35 U.S.C. § 103(a) as unpatentable over Premoli.

The Examiner rejected claim 19 under 35 U.S.C. § 103(a) as unpatentable over Premoli and Jacobs.

¹ Claim 26 was finally rejected in an Office Action mailed November 16, 2006. Bosch’s Appeal Brief filed July 10, 2007 in response to that Office Action indicates the rejection of claim 26 is “not being appealed.” (App. Br. 3:9.) In a communication mailed November 3, 2009, the Examiner cancelled claim 26. Claim 26 is therefore cancelled and not on appeal.

The Invention

The invention relates to a washing container for a dishwashing machine. (Spec. 1:1-3.)

Claim 10 is reproduced below (App. Br. 18 Claims App'x):

10. A washing container for a dishwashing machine, comprising:

a container body including a plurality of assembled parts;

a base frame part; and

at least one cover part attached to said base frame part, said cover part including a plurality of side parts, said side parts connected to one another at an angle to form said cover part.

B. ISSUES

1. Did the Examiner incorrectly find that Premoli discloses a washing container as required by Bosch's claims?

2. Did the Examiner incorrectly find that Premoli discloses upstanding corner stays on a base frame part of a washing container?

3. Did the Examiner incorrectly find that Premoli discloses a base frame part with an upstanding side part that is located in the open end of a U-shaped cover part?

4. Did the Examiner incorrectly find that Premoli discloses a base frame part and an upstanding side part that are a "unitary assembly"?

5. Did the Examiner incorrectly find that Premoli discloses a cover part that is formed from side parts which are connected to one another at an angle?

6. Did the Examiner incorrectly find that Wrangberth discloses upstanding corner stays on a base frame part of a washing container?

7. Did the Examiner incorrectly find that Wrangberth discloses a cover part that is substantially U-shaped?
8. Did the Examiner incorrectly determine that it would have been obvious to make a base frame part and an upstanding side part of a washing container from molded plastic material?
9. Did the Examiner incorrectly determine that in view of the teachings of Permoli it would have been obvious to form a cover part as “a peripherally closed rectangle” from two L-shaped side parts?
10. Did the Examiner provide adequate reasoning to support the conclusion that it would have been obvious to modify a door component in Permoli to incorporate “at least one receptacle retention element”?
11. Did the Examiner incorrectly determine that in view of the teachings Jacobs and Permoli it would have been obvious to include a heat exchanger integrated into a side part of a cover part?

C. PRINCIPLES OF LAW

During examination, claim terms are given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000).

It is improper to import unclaimed features described in the specification into a claim. *SuperGuide Corp. v. DirectTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004).

The broadest reasonable interpretation rule recognizes that before a patent is granted the claims are readily amended as a part of the examination process and that an applicant has the opportunity and responsibility to remove any ambiguity in claim meaning by making an amendment. *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004).

In determining obviousness, the initial burden is on the examiner to establish a *prima facie* basis to reject the claims. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

Where an obviousness conclusion is based on a proposed modification of a reference, the motivation for the modification must be supported by articulated reasoning with some rational underpinning. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

D. FINDINGS AND ANALYSIS

Anticipation

The Examiner rejected claims 10-13, 18, 20, 21, 23, and 25 as anticipated by Premoli. The Examiner also rejected claims 10, 11, 18, 20, and 22 as anticipated by Wrangberth.

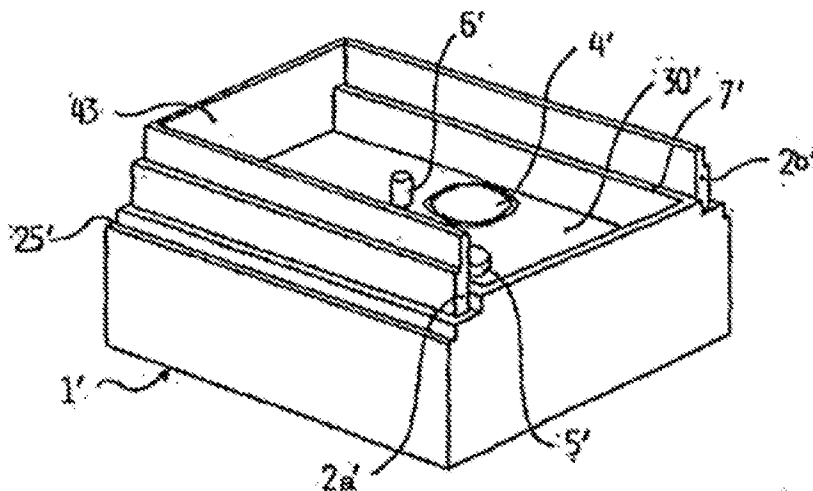
Premoli

In connection with the Examiner's anticipation rejection over Premoli, Bosch argues claims 10-13, 18, 20, 21, 23, and 25 under a single heading and urges that those claims "may be considered as a single group of claims." (App. Br. 6:13-15; 8:10-12.) Seemingly in accord with the above-quoted statement, Bosch does not indicate that any claim is separately argued by placing it under a separate subheading identifying the claim by number as is required by 37 C.F.R. § 41.37 (c)(1)(vii).

It is apparent, however, from the substantive content of Bosch's argument spanning pages 8-11 of the Appeal Brief that Bosch challenges the Examiner's anticipation rejection based on features that are not common to claims 10-13, 18, 20, 21, 23, and 25. In light of Bosch's arguments, it is clear that it does not treat those claims as a single group. Despite Bosch's

failure to comply with § 41.37 (c)(1)(vii), we consider its arguments in connection with the appropriate claims to which they apparently apply. Bosch advances four arguments.

Bosch first argues that Premoli lacks disclosure of a “washing container.” Claims 10, 20, and 25 are independent claims and are each directed to a washing container for a dishwashing machine. Claims 11-13, 18, 21, and 23 ultimately depend one of the independent claims. The Examiner pointed to Premoli’s Figures 7-9 as showing a washing container as required. (Ans. 3:9-11.) Those figures depict a dish-washing machine including a washing chamber. (Premoli 2:34-38.) As shown in the figures, including Fig. 7



10.) Bosch does not meaningfully explain why the base containing the washing chamber does not reasonably form a “washing container.” Rather, Bosch contends that its washing container is a structure that is a “fully plastic container” and then likens a different “stainless steel skirt” component 12 of Premoli (not shown in figure above) as being a structure that is not the plastic washing container of the claims. (App. Br. 9:9-19.)

Bosch’s contention is unpersuasive. At the outset, none of the involved claims with respect to the anticipation rejection over Premoli

requires a “plastic” container. It is also not apparent why Bosch points to stainless steel skirt 12 in challenging the Examiner’s rejection. The Examiner did not rely on that component to account for any feature of Bosch’s claims. Moreover, even assuming that Bosch’s claims do require a washing container that is “plastic,” the component that was relied on by the Examiner, *i.e.*, base 1' and its contained washing chamber, is disclosed as being made of “plastic.” (Premoli 7:2.) Thus, even if a “plastic” container is required, we reject Bosch’s contention that that requirement distinguishes its claims over Premoli.

Bosch also argues that Premoli does not disclose “corner stays, as claimed in the present application.” (App. Br. 10:14-15.) Neither claim 10 nor any of the claims ultimately dependent on it require “corner stays.” The term “corner stays” does, however, appear in claims 20 and 25. In accounting for the “corner stays” feature of claims 20 and 25, the Examiner pointed to Premoli’s components 2a and 2b. (Ans. 3:15.) Those components are disclosed as “support stanchions” that are attached to base 1 (Premoli 3:41-42) and located at corners of the base (Fig. 1).²

Bosch acknowledges that the Examiner relied on Premoli’s teaching of corner positioned support stanchions as the required corner stays. Indeed, Bosch itself calls those stanchions in Premoli “corner stays.” (App. Br. 9:23.) Bosch, however, concludes without adequate explanation that Premoli “does not disclose, teach or suggest corner stays, as claimed in the present application.” (*Id.* at 10:14-15.)

² In connection with Figure 7, “stanchions” 2a' and 2b' are similarly configured with respect to base 1'. (Premoli 6:8-18.)

During examination, claim terms are given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d at 1372. Bosch's specification does not give any special meaning to the term "corner stay." Although in describing an embodiment of the invention, the specification indicates that the corner stays are "L-shaped" or have "an angular cross-section" (Spec. 3:17-18), the mere description in one embodiment of particular shapes for the corner stays does not limit the claimed "corner stays" to only those shapes.

The pertinent meaning of the term "stay" is "[a] support." *Webster's II New Riverside Dictionary* 1134 (1988). Thus, upstanding "corner stays" that are attached to a base frame part, as set forth in Bosch's claims 20 and 25, are support components upstanding from corners of the base frame part. Premoli's stanchions are support components which extend upright from corners of its base. Bosch does not articulate why those stanchions are not reasonably viewed as the corner stays set forth in claims 20 and 25.

Bosch further argues that the Examiner has insufficiently accounted for a feature of its claims directed to an "upstanding side part" which operates to complete the open end of a "U-shaped cover part" attached to the base frame. (App. Br. 10:16-25.) Neither of independent claims 10 or 20 requires any such features. Those features are apparently recited in claims 12 and 23, which ultimately depend from claim 10 and claim 20, respectively. Claim 25 also appears to include those features.

In accounting for a "U-shaped cover part" with an open end, the Examiner pointed to Premoli's component 22'. That component is described as a "plastic enbloc" formed as a covering component having side walls 23', rear wall 44' and an open front. (Premoli 6:19-28; Fig. 8.) The enbloc is

positioned on top of the washing chamber of base 1'. (*Id.*; Fig. 9.) Bosch does not challenge the Examiner's determination that enbloc 22' forms the claimed U-shaped cover part. Rather, the dispute centers on the requirement of an "upstanding side part" located at the open end of the U-shaped cover part and which completes the cover part. In accounting for that feature, the Examiner relied on component 28, which is described in Premoli as a "door." (Premoli 5:38-39.)

At the outset, we note that Premoli describes component 28, which is illustrated in its Figure 5, as a door for "traditional" dish-washing machines and made of metal. (Premoli 5:37-38.) The "door" of its invention is illustrated in Figure 6 and described as being made of plastic. (*Id.* at 5:43-50.) Regardless of the reference character identified in the Examiner's Answer, it is clear that the Examiner relied on Premoli's disclosure of a door component for closing the open front of enbloc 22' as constituting an "upstanding side part" located at the open end of the U-shaped cover part and completing that cover part. According to Bosch, Premoli's door cannot form the upstanding side part because it "cannot be formed as a unitary assembly with the cover part[.]" (App. Br. 10:19-22.)

With the exception of claim 13, Bosch's argument is misplaced. While claim 13 recites that the base frame part and the upstanding side part is formed as a "unitary assembly," that is not a requirement of any other claim. Bosch does not meaningfully explain why Premoli's door which covers the open end of enbloc 22', *i.e.*, a cover part, does not reasonably form an upstanding side part located in the open end of a cover part, as set forth in claims 12, 20, and 25. Bosch's assertion that Premoli's assembly,

including its door, is something other than a “unitary assembly” is rejected as irrelevant for all but claim 13.

Claim 13 is dependent on claim 12 and adds the feature “said base frame part and said upstanding side part formed as a unitary assembly.” (App. Br. 18 Claims App’x.) Bosch’s contends that Permoli’s door does not form part of a unitary assembly because it “must move inwardly and outwardly from the open end” of the enbloc. Bosch, however, does not explain why, even if true, the ability of the door to move “inwardly and outwardly” means that it cannot form part of a unitary assembly. Bosch’s specification does not give the term “unitary” any special meaning. The ordinary meaning of that term is “[h]aving the character of a unit.” *Webster’s II New Riverside University Dictionary* 1262 (1988). A “unit” is “[a]n individual, group, structure, or other entity regarded as an elementary structural or functional constituent of a whole.” (*Id.*) The term “unitary” in the context of a “unitary assembly” does not impose a non-movability constraint on the components of the assembly. Claim 13 simply requires that the base frame part and the upstanding side part form an assembly that is regarded as a structural or functional constituent of a washing container. The claim does not specify that the “unitary assembly” is something that is formed as only a one-piece unitary structure. Indeed, the term “assembly” itself implies an arrangement of more than one component. It is not apparent on this record why, once Permoli’s dishwashing machine is assembled, the configuration of the door and base of that machine does not reasonably constitute a “unitary assembly.” We reject Bosch’s argument.

Lastly, Bosch argues that Permoli does not disclose a cover part that is formed from a plurality of side parts which are “connected to one another at

an angle to form the cover part.” (App. Br. 11:8-12.) That is a feature appearing in claim 10. According to Bosch, the cover part in Permoli relied on by the Examiner, *i.e.*, enbloc 22', is a “unitary monopiece” which is “contrary to the invention of the instant application as claimed.” (*Id.* at 11:12-16.)

Bosch’s argument is unpersuasive. At the outset, Bosch does not explain why it believes Permoli’s disclosure is limited to forming its enbloc as a “unitary monopiece.” In any event, even if Permoli’s enbloc is a “unitary monopiece,” Bosch’s claim 10 does not preclude such a construction. The claim simply requires that the cover part be formed of side parts connected at an angle. The sidewalls 23' and rearwall 44 which make up the side parts of the enbloc are “connected to one another” even if that connection is accomplished by molding or other process such that the enbloc is ultimately formed as a “monopiece.” The sidewalls and rearwall are also clearly angled with respect to one another. (Permoli Fig. 9.) The sidewalls and rearwall of Permoli’s enbloc are reasonably viewed as side parts that are connected to one another at an angle.

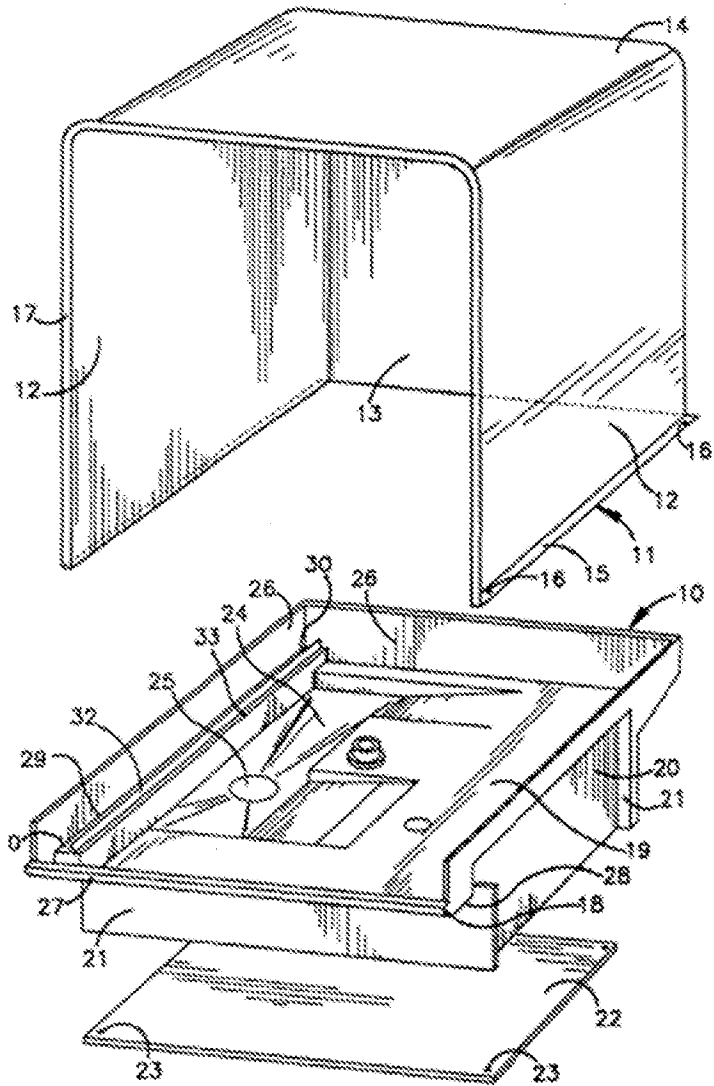
We have carefully considered Bosch’s arguments but they are unpersuasive. Bosch has not shown that the Examiner’s rejection of claims 10-13, 18, 20, 21, 23, and 25 as anticipated by Permoli is incorrect. We sustain the rejection.

Wrangberth

The Examiner rejected claims 10, 11, 18, 20, and 22 as anticipated by Wrangberth. Like the anticipation rejection involving Permoli, Bosch urges that the above-noted claims may be considered a single group and argues the claims under a single heading. However, once again, it is apparent from the

content of the argument that claim features are argued that are not common to all the involved claims. We consider the arguments in association with the claims to which they appear to apply.

Wrangberth discloses a dishwasher including a base 10 and a cover portion termed “upper part 11.” (Wrangberth 1:62-65.) As shown in Wrangberth’s Fig. 1 (right), vertical flanges 26 extend around the upper edges of base 10 along its sides and rear. (*Id.* at 2:25-27.) Upper part 11 is positioned on base 10 such that the flanges surround the lower edges of part 11. (*Id.* 2:38-41; Fig. 2.) The Examiner found that portions of vertical flanges 26 at the corners of base 10 constitute the corner stays set forth in Bosch’s claims 20 and 25. (Ans. 4:5-7.)



Bosch contends that the vertical flanges (termed “side rails” by Bosch) do not form the corner stays which allegedly must have either “an L-shaped or angular cross-section.” (App. Br. 13:4-6.) Bosch points to its specification at paragraph 12 in support of that contention. (*Id.*)

Bosch's contention is unpersuasive. The portion of the specification referenced by Bosch simply describes the shape of corner stays in the context of an embodiment of Bosch's invention. It does not operate to impart a special meaning to the term "corner stays." As discussed above in connection with the rejection over Permoli, upstanding "corner stays" that are attached to a base frame part are support components extending from corners of the base frame part. Flanges 26 are positioned at the corners of base 10 and are upwardly extending. The flanges are also disclosed as forming a structure that receives upper part 11. (Wrangberth 2:38-41.) We are not persuaded that the flanges are not reasonably viewed as corner stays.

Bosch also argues (App. Br. 13:6-9):

The present corner stays are designed to reach upwardly substantially the height of the U-shaped wall members of the present invention to provide structural support therefore. Therefore, the side rails of Wrangberth '379 fail to function like the corner stays of the present invention.

That argument is misplaced. The claims do not require any particular height for the upward extension of the corner stays. That corner stays described in Bosch's specification may extend a specific distance is of no moment. It is improper to import unclaimed features described in the specification into a claim. *SuperGuide Corp.*, 358 F.3d at 875. The broadest reasonable interpretation rule recognizes that before a patent is granted the claims are readily amended as a part of the examination process and that an applicant has the opportunity and responsibility to remove any ambiguity in claim meaning by making an amendment. *In re Bigio*, 381 F.3d at 1324. If Bosch intended that its corner stays have a particular height,

i.e., “substantially the height of the U-shaped wall members” it could have amended the claims accordingly. It did not. We reject Bosch’s argument.

Bosch also contends that Wrangberth does not anticipate its claims because that reference “does not disclose a U-shaped periphery for its tub.” (Ap. Br. 13:12-13.) It is not readily apparent what portion of Wrangberth’s dishwasher Bosch considers the “tub.” Because some of Bosch’s claims impose a “substantially U-shaped” requirement for the configuration of its cover part (*e.g.*, claims 11, 20, and 25), we take its statement as an argument that Wrangberth’s upper part 11, which the Examiner likened to the required cover part, is allegedly not substantially U-shaped.

Wrangberth’s upper part 11 includes two side walls 12, a rear wall 13 and a roof 14. (Wrangberth 1:65-67.) As seen in Figure 1 (reproduced *supra*), because the upper part has no front wall and no bottom or floor portion, we are not persuaded that its appearance is not reasonably viewed as being “substantially U-shaped.”

For the foregoing reasons, we are not persuaded that the Examiner’s anticipation rejection of claims 10, 11, 18, 20, and 22 over Wrangberth is incorrect. We sustain the rejection.

Obviousness

The Examiner rejected claims 14, 16, 17, and 24 as unpatentable over Premoli taken alone and rejected claim 19 over Premoli and Jacobs.

We address the claims in four groupings: (1) claim 14; (2) claim 16; and (3) claims 17 and 24; and (4) claim 19.

Claim 14

Claim 14 is dependent on claim 13 which is ultimately dependent on claim 10. Claim 14 adds the feature “said base frame part and said upstanding side part unitary assembly formed from a molded plastic material and said cover part formed from a corrosion-resistant material.” (App. Br. 18 Claims App’x.)

The focus of the dispute is whether in view of the teachings of Premoli, it would have been obvious to make a base frame part and an upstanding side part from molded plastic material. The Examiner determined that it would have been obvious. Bosch takes the opposite view, stating that Premoli “does not discuss any molded plastic material and fails to render the present invention obvious.” (App. Br. 14:7-9.)

We do not agree with Bosch. Bosch’s assessment of what is discussed in Premoli is incorrect. Premoli discloses that its base 1' is made of “plastic.” (Premoli 7:2.) In describing the components depicted in Figure 1, which includes base 1, Premoli states that what is shown are components made of “plastic material” formed using a “hot blow moulding” technique. (*Id.* at 3:24-27.) Plastic material made from “hot blow moulding” is reasonably understood as molded plastic material. In light of the teachings of Premoli, one with ordinary skill in the art would have reasonably appreciated that the plastic forming Premoli’s base 1', which the Examiner found constitutes Bosch’s claimed base frame part, may be made using a “hot blow moulding” process and thus be molded plastic material. We reject Bosch’s statement to the contrary.

Premoli also discloses that the door of its invention, which the Examiner relied upon as the required upstanding side part, may be made of

plastic. (*Id.* at 5:43-45.) A skilled artisan would have readily recognized from Premoli's teachings that the plastic material of the door may also be made from molded plastic material.

We sustain the rejection of claim 14 as unpatentable over Premoli.

Claim 16

Claim 16 is dependent on claim 10 and adds "said cover part being formed substantially in the shape of a peripherally closed rectangle and said peripherally closed rectangle cover part is formed from two substantially L-shaped side parts." (App. Br. 19 Claims App'x.)

Thus, in claim 16 the cover part must be formed as "a peripherally closed rectangle" from two L-shaped side parts. A shape that is a "peripherally closed rectangle" is a rectangle with no openings along its periphery. A cover part formed as U-shaped, for instance, is not a rectangle and is open along its periphery, *i.e.*, open at the mouth of the "U." Such a shape, therefore, does not constitute "a peripherally closed rectangle."

The premise of the Examiner's rejection is that it would have been obvious to form the U-shape of Premoli's enbloc 22' from two L-shaped portions. (Ans. 5:13-19.) However, even if that is true, it does not account for the "peripherally closed rectangle" shape that is expressly set forth in claim 16.

Accordingly, we do not sustain the rejection of claim 16 as unpatentable over Premoli.

Claims 17 and 24

Claim 17 is dependent on claim 12 which is ultimately dependent on claim 10. Claim 24 is dependent on claim 23 which is dependent on claim

20. Each of claims 17 and 24 add the feature “said upstanding side part including additional retention functional elements, including at least one receptacle retention element for one of a rinsing or cleaning agent or a water softening device.” (App. Br. 19, 20 Claims App’x.) The Examiner concludes that although Premoli does not show that its upstanding side part (*i.e.*, its door) includes at least one receptacle retention element, “it would have been obvious and well known in the art to provide the upstanding side part 28 of Premoli et al with at least one receptacle retention element for holding cleaning agent.” (Ans. 5:20-6:2.)

In determining obviousness, the initial burden is on the examiner to establish a *prima facie* basis to reject the claims. *In re Oetiker*, 977 F.2d at 1445. Where the obviousness conclusion is based on a proposed modification of a reference, the motivation for the modification must be supported by articulated reasoning with some rational underpinning. *In re Kahn*, 441 F.3d at 988. Here, although the Examiner states that a receptacle retention element as part of an upstanding side part in a washing container is “well known in the art,” the record before us does not provide any underlying support for that statement. The Examiner also offers nothing more than a bare conclusion that it would have been obvious to modify Premoli’s door component to incorporate a receptacle retention element. That conclusion is unaccompanied by any articulated reason for the proposed modification, much less one premised on a rational underpinning.

On this record, the Examiner has not adequately established a *prima facie* basis to reject claims 17 and 24. We do not sustain the rejection of claims 17 and 24 over Premoli.

Claim 19

Claim 19 is dependent on claim 10 and adds the feature: “at least one of said side parts including a heat exchanger integrated therein.” (App. Br. 19 Claims App’x.)

The Examiner determined that Premoli discloses all the limitations of claim 19 with the exception of the above-quoted feature. To make up for the deficiency, the Examiner relied on Jacobs. Jacobs discloses a dishwasher having a heat exchanger 60 mounted to a wall 62 of a chamber 18 of the dishwasher and which operates to remove moisture from within the chamber when dishes are being dried. (Jacobs 2:64-71.) In light of that teaching, the Examiner reasoned that it would have been obvious to incorporate a heat exchanger into the dishwasher of Premoli.

In challenging the Examiner’s rejection, Bosch argues the following (App. Br. 16:12-19):

[T]he present invention does not include an integral heat exchanger. The present invention includes retention elements on a side part of the dishwasher compartment which may be configured to retain a heat exchanger. Therefore, the heat exchanger is not integral. As seen in Figure 1, the heat exchanger of Jacobs ‘075 is mounted to and integrated with the rear structure of the dishwashing machine as seen in Figures 1 and 2. In substantial contrast, the present invention includes retention elements which may hold a heat exchanger which is a discrete element and not integrated as asserted by the Examiner and as disclosed in Jacobs ‘075.

Bosch’s argument is misplaced. Neither claim 19 nor claim 10 on which it depends include any features relating to retention elements. That Bosch’s specification may describe an embodiment of the invention in which a retention element operates to non-integrally attach a heat exchanger

to a side part of the dishwasher does not serve to somehow impart that requirement to claim 19. Moreover, Bosch's statement that its claim 19 excludes an "integrated" heat exchanger is contradicted by the plain language of the claim which in no uncertain terms requires a heat exchanger "integrated" in the least one side part. Bosch does explain how its conflicting statement in its Appeal Brief can be reconciled with the unambiguous requirement of the claim.

Bosch has not shown any error in the Examiner's rejection of claim 19 over Permoli and Jacobs. We sustain the rejection.

E. CONCLUSION

1. The Examiner correctly found that Premoli discloses a washing container as required by Bosch's claims.
2. The Examiner correctly found that Premoli discloses upstanding corner stays on a base frame part of a washing container.
3. The Examiner correctly found that Premoli discloses a base frame part with an upstanding side part that is located in the open end of a U-shaped cover part.
4. The Examiner correctly found find that Premoli discloses a base frame part and an upstanding side part that are a "unitary assembly."
5. The Examiner correctly found that Premoli discloses a cover part that is formed from side parts which are connected to one another at an angle.
6. The Examiner correctly found that Wrangberth discloses upstanding corner stays on a base frame part of a washing container.
7. The Examiner correctly found that Wrangberth discloses a cover part that is substantially U-shaped.

8. The Examiner correctly determined that it would have been obvious to make a base frame part and an upstanding side part of a washing container from molded plastic material.

9. The Examiner incorrectly determined that in view of the teachings of Permoli it would have been obvious to form a cover part as “a peripherally closed rectangle” from two L-shaped side parts.

10. The Examiner did not provide adequate reasoning to support the conclusion that it would have been obvious to modify a door component in Permoli to incorporate “at least one receptacle retention element.”

11. The Examiner correctly determined that in view of the teachings Jacobs and Permoli it would have been obvious to include a heat exchanger integrated into a side part of a cover part.

F. ORDER

The rejection of claims 10-13, 18, 20, 21, 23, and 25 under 35 U.S.C. § 102(b) as anticipated by Premoli is **affirmed**.

The rejection of claims 10, 11, 18, 20, and 22 under 35 U.S.C. § 102(b) as anticipated by Wrangberth is **affirmed**.

The rejection of claim 14 under 35 U.S.C. § 103(a) as unpatentable over Premoli is **affirmed**.

The rejection of claims 16, 17, and 24 under 35 U.S.C. § 103(a) as unpatentable over Premoli is **reversed**.

The rejection of claim 19 under 35 U.S.C. § 103(a) as unpatentable over Premoli and Jacobs is **affirmed**.

Appeal 2010-001354
Application 10/603,759

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART